

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Ronald Davidson,

Plaintiff,

-against-

**New York City Health and Hospitals
Corporation,**

Defendant.

1:22-cv-00764 (RA) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Pending before the Court is Plaintiff's motion for appointment of a Special Master. (Pl.'s 7/17/23 Mot., ECF No. 29.) For the reasons below, Plaintiff's motion is DENIED.

Rule 53 of the Federal Rules of Civil Procedure provides in relevant part:

Unless a statute provides otherwise, a court may appoint a master **only** to:

(A) perform duties consented to by the parties;

(B) hold trial proceedings and make or recommend findings of fact on issues to be decided without a jury if appointment is warranted by:

(i) some exceptional condition; or

(ii) the need to perform an accounting or resolve a difficult computation of damages; or

(C) address pretrial and posttrial matters that cannot be effectively and timely addressed by an available district judge or magistrate judge of the district.

Fed. R. Civ. P. 53(a)(1) (emphasis supplied).

Plaintiff requests the appointment of a Special Master to have "at least three conversations on at least three different days in order to . . . set up a framework for reasonable accommodations and modifications of procedure for a litigant with an unclear array of

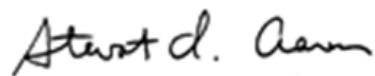
neurological disability deficits and learning disability deficits . . .” (See Pl.’s 7/17/23 Mot. ¶ 8.) Plaintiff’s request does not fall within the scope of Rule 53 and thus is denied.

There currently is pending before the Court a motion by Defendant to dismiss the Complaint. (Def.’s Mot. to Dismiss, ECF No. 27.) Plaintiff shall file any response to the pending motion no later than August 31, 2023. If Plaintiff fails to respond, Defendant’s motion will be determined based solely on Defendant’s submissions.

Since Plaintiff is *pro se*, and given his deficits, Plaintiff strongly is encouraged to contact the City Bar Justice Center, which provides pro bono legal services to low-income clients throughout New York City. The Court notes that the City Bar Justice Center is not part of, or run by, the Court. It cannot accept filings on behalf of the Court, which must still be made by any *pro se* party through the *Pro Se* Intake Unit. A copy of the flyer with details of the City Bar Justice Center is attached to this order.

SO ORDERED.

Dated: New York, New York
August 3, 2023

A handwritten signature in black ink, reading "Stewart D. Aaron", is written over a horizontal line.

STEWART D. AARON
United States Magistrate Judge

Federal Pro Se Legal Assistance Project

The Federal Pro Se Legal Assistance Project is a free service offered by the City Bar Justice Center of the New York City Bar Association.

Who We Help:

- Self-represented (pro se) plaintiffs and defendants with civil cases in the U.S. District Court for the Eastern District of New York.
- Individuals thinking about filing a federal case pro se in the E.D.N.Y.
- *We cannot assist incarcerated litigants until they return to the community.*
- *We cannot assist with criminal matters.*

Services We Provide:

- Limited-scope legal counseling by an attorney. “Limited-scope” assistance means that the Project attorney cannot take your case for full representation. After you meet with us, you will still act as your own lawyer on your case.
- Explaining federal court procedures and rules involved in your case.
- Advising you about potential federal claims before you file a lawsuit.
- Advice on drafts of court papers.
- Giving referrals to legal, governmental, and social services.

How to Get Free Legal Help:

- Walk-in intake hours*:
 - Mondays from 1:00 p.m. – 3:00 p.m.
 - Wednesdays from 1:00 p.m. – 3:00 p.m.
- **For intake paperwork only. All consultations will be scheduled after completion of intake forms.*
- Scheduled consultation hours (*please call for an appointment*).
- Please leave a voicemail at 212.382.4729; or
- Complete our intake form at <https://www.citybarjusticecenter.org/fedpro/intake> on your phone or computer.

**CITY BAR
JUSTICE
CENTER**

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